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Intervenors FMSR*

UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
MISSOULA DIVISION

JOHN AMBLER and STACY
AMBLER,

Plaintiffs,

v.

FLATHEAD CONSERVATION
DISTRICT,

Defendant.

Cause No.: CV 23-151-M-DLC-KLD

**DECLARATION OF MONICA
JUNGSTER**

I, Monica Jungster, declare under penalty of perjury

1. I am over 18 years of age and am a member of Montana Friends of Streams and Rivers (FMSR).
2. I am also heavily involved with community development. I worked on the West Glacier Vision Plan, and am a liaison and leader in wildfire preparedness

meetings. I also work with other inholders, the Park, and the community through modeling, cooperation and collaboration.

3. Since 1960 I have owned an inholding in Glacier National Park. It is located at 198 Apgar Loop road.

4. In early 2023, I filed a complaint with the Flathead Conservation District regarding John and Stacy Ambler's property in Apgar. Their property is located approximately 500 feet west of mine. It is adjacent to McDonald Creek, the outflow from Lake McDonald.

5. The Conservation District received my complaint on approximately February 9, 2023.

6. In my complaint, I explained to the Conservation District that "a large building is being built very close to McDonald Creek in possible violation of the Montana Natural Streambed and Land Preservation Act, the Montana Stream Protection Act, the Montana Flood Plain and Floodway Management act and other." *See* Ex. 1 attached hereto.

7. As part of the Complaint, I highlighted the historical flooding of the area and expressed my concern about the potential for flooding.

8. Apgar has a long history of flooding. Particularly, in 1964, there was catastrophic flooding due to a heavy snow pack and warm spring rains. This rain

on snow event caused McDonald Creek to flow backwards toward Lake McDonald and flooded parts of Apgar.

9. The flood waters extended 25-50 feet to the east of McDonald Creek, including the area where the Amblers' new building is located. In fact, a white house owned by a Ms. Powell was left "hanging" over the bank in this particular area. the property left after the flowod, on which the Ambler's house is built, is only 0.05 acres.

10. Another property – a rental cabin – floated down stream to the Camas bridge where it had to blasted apart.

11. I am concerned that if Montana does not have authority to regulate development along the stream banks of McDonald Creek, for privately owned properties, it will have a direct impact on my business building and property.

12. For example, in its analysis of the 310 law, the Conservation District is required to evaluate whether the project will create harmful flooding or erosion problems upstream or downstream. Absent this type of analysis, I am concerned that the potential effects of flooding will not be considered.

13. I have also seen the affects of this project firsthand, and the potential contamination of McDonald Creek. Attached as Exhibit B are three photographs showing the proximity of the construction to McDonald Creek and the construction debris on the snow a few feet away from the Creek.

14. Absent authority to regulate this area, McDonald Creek will likely be negatively impacted.

15. And while I appreciate that the 310 Law gives authority to the Conservation Districts to evaluate certain impacts, I believe Friends of Montana Streams and Rivers needs to intervene in this lawsuit to ensure that our particular concerns are heard.

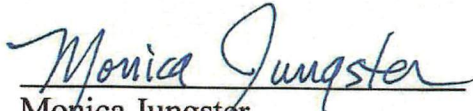
16. I am also concerned about the aesthetic, environmental, and community impacts that an unregulated development may have on Apgar. The majority of in-holders like most Montanans support upholding the regulations that protect streams and rivers.

17. Another specific interest I have in state regulation is consistency between regulation of my property and that of the Amblers. For me, I am regulated by the Flathead County growth policy and other development guidelines from the County. In fact, during my time living and working in Glacier National Park, Park staff have always advised people to get County or State approvals or permits. Carving out an exception for stream bank management would undermine state and county regulation of all in-holders in the park. I am concerned that this may just be the beginning of challenging state and county regulation of developments on private land, which could lead to even worse harms.

18. I shared many of these concerns in testimony with the Conservation District during the public hearing process. I am attaching my comments, and exhibits thereto as Exhibit B to this declaration

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 25 day of April, 2024.


Monica Jungster



Form 274

STATE OF MONTANA NATURAL STREAMBED AND LAND P
OFFICIAL COMPLAINT

FL-2023-022C 2023
LO Name: Ambler, John & Stacy
Stream: McDonald Creek
S23T32R19T0pog: Lk McDonald W
Supervisor/s: RM

1. Alleged Violator:

Address:

Phone No:

2. Landowner Name: (where alleged violation took place)

Address:

Phone No:

3. Location of Activity:

Name of perennial stream:

Legal description: Section:

Township:

Range:

Address of Activity:

4. Nature of Complaint:

A. Provide a specific written description of the activity:

very close to McDonald Creek in possible violation of the Montana Natural Streambed and Land Preservation Act, The Montana Stream Protection Act, The Montana Flood Plain and Floodway Management Act and others. Re 1964 Flood

B. Attach a sketch of the site. Note any landmarks.

C. Provide photos if available.

D. Attach a map marked with the violation area.

5. Verification of Alleged Violation:

A. Please state whether you have personally viewed the site of the alleged violation.

Yes, I have viewed the site and enclosed pictures. I own property in area since 1960 (Montana House - 198 Apper Loop Rd)

B. The date of the viewing:

Oct. 19, 2022, Nov 28, 2022, January 25, 2023

C. Is the site viewable from public property (i.e. county/state road)?

Yes

D. If the site is not viewable from public property, who's permission is needed to get to a viewable site?

In addition the history of the alleged project violation location can be found in the Glacier Park Archives of the Flood of 1964. Damaged structures, bridge to Grist Road destroyed. McDonald Creek flowed backwards in to lake McDonald and 35-50 feet of east bank of Creek washed away. A white house owned by Mrs. Powell was left "hanging" over bank in area where new building is located. It is also very close to the high water mark of 1964.

RECEIVED

copies sent to KML, FWS
Flathead CD 4/9/2023

Exhibit C
Exhibit 1
Page 6 of 28

E. If you have not viewed the site, please state the basis that forms your belief that a violation is occurring.

6. Complainant's Signature

Printed Name:

Address

Phone No:

Monica Jungster

Monica Jungster

535 Sloan Lane, West Glacier, MT. POBox 50 West Glacier

406-261-3747

FLATHEAD CONSERVATION DISTRICT

133 Interstate Lane, Kalispell, MT 59901 Phone: 752-4220 Fax: 752-4077

**ANY COMPLAINTS FILED WITH THIS OFFICE MAY BE REQUIRED BY LAW
TO BE OPEN TO THE PUBLIC**

(FCD 2020)







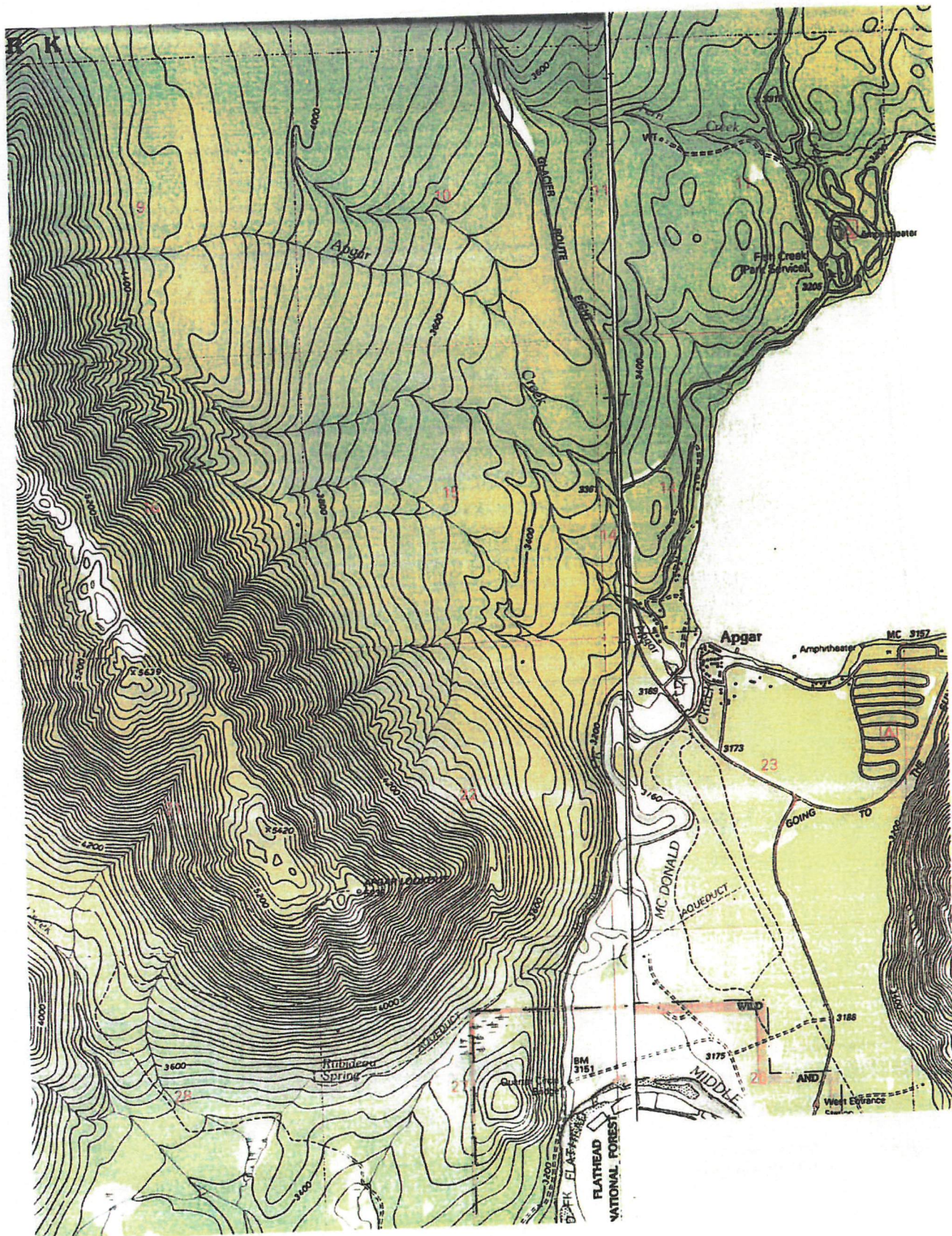
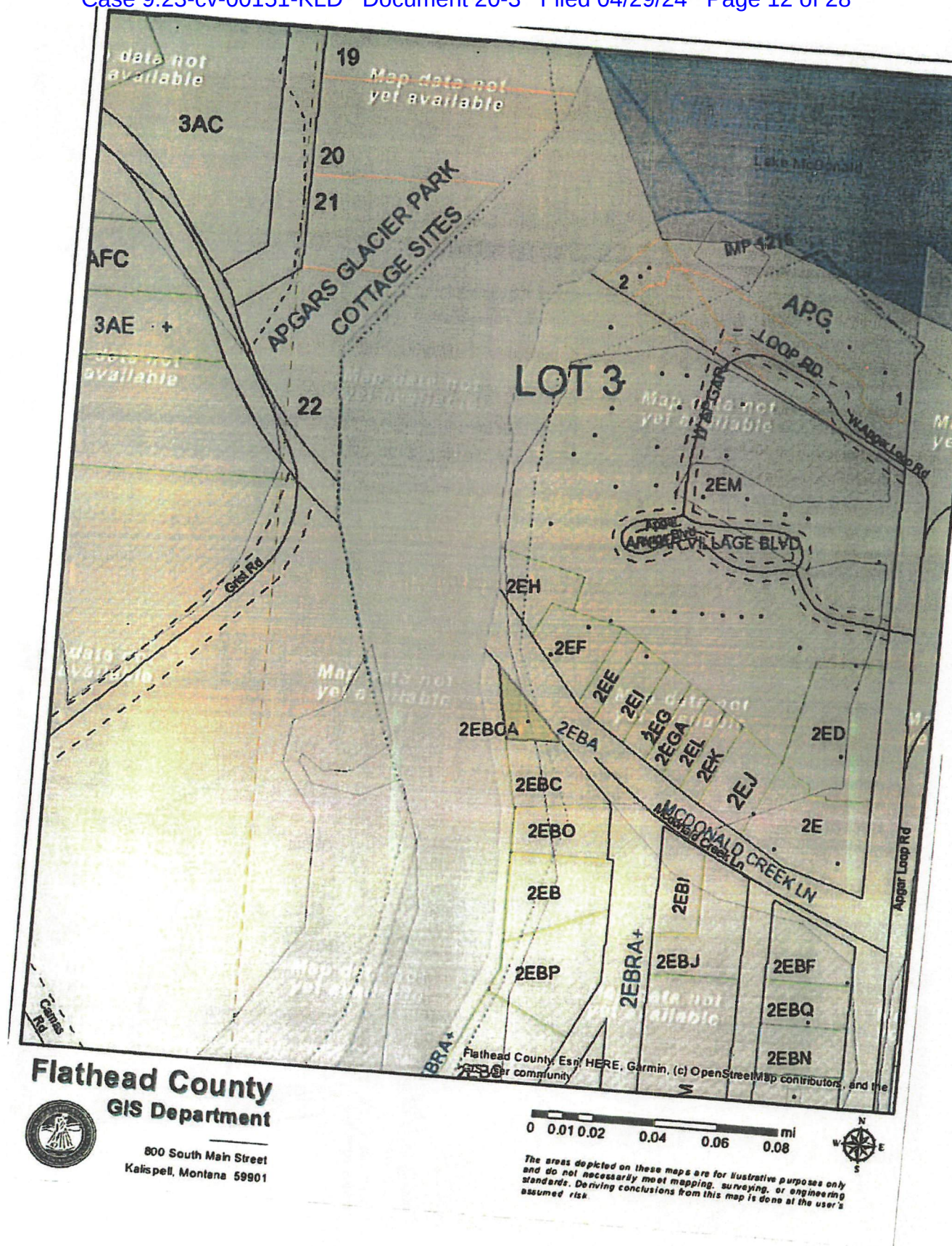


Exhibit C
Page 11 of 28



1/20/23, 8:28 AM

PrintPropertyRecordCard

Property Record Card**Summary****Primary Information****Property Category:** RP**Geocode:** 07-4406-23-2-02-01-0000**Primary Owner:**

AMBLER JOHN & STACY

1375 LORING ST

SAN DIEGO, CA 92109-1908

*NOTE: See the Owner tab for all owner information***Certificate of Survey:** 17376-10**Subdivision:****Legal Description:**

S23, T32 N, R19 W, 17376-10, PARCEL N/A, TR 2EBCA IN L3

Last Modified: 1/20/2023 10:18:03 PM**General Property Information****Neighborhood:** 207.550.M**Property Type:** VAC_R - Vacant Land - Rural**Living Units:** 0**Levy District:** 07-0C23-08 - MAIN**Zoning:****Ownership %:** 100**Linked Property:**

No linked properties exist for this property

Exemptions:

No exemptions exist for this property

Condo Ownership:**General:** 0**Limited:** 0**Property Factors****Topography:****Fronting:****Utilities:****Parking Type:****Access:****Parking Quantity:****Location:****Parking Proximity:****Land Summary**

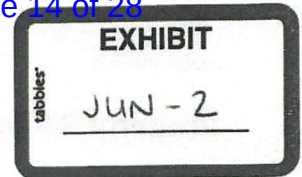
<u>Land Type</u>	<u>Acres</u>	<u>Value</u>
Grazing	0.000	00.00
Fallow	0.000	00.00
Irrigated	0.000	00.00
Continuous Crop	0.000	00.00
Wild Hay	0.000	00.00
Farmsite	0.000	00.00
ROW	0.000	00.00
NonQual Land	0.000	00.00
Total Ag Land	0.000	00.00
Total Forest Land	0.000	00.00
Total Market Land	0.050	00.00

Deed Information:

Deed Date	Book	Page	Recorded Date	Document Number	Document Type
6/11/2019			7/11/2019	201900014116	Warranty Deed

svc.mt.gov/msl/MTCadastral/PrintPropertyRecordCard/GetPropertyRecordCardData?Geocode=07440623202010000

1/2



RECEIVED

JUN 19 2023

Flathead CD

Monica Jungster
PO Box 50
West Glacier, Mt 59936
406-261-3747

Montana House Gift Shop – Owner
198 Apgar Loop Rd. Apgar
Glacier National Park Est 1960

Re: Statement for Public Comment period June 6th-20th for the Declaratory Ruling on Lower McDonald Creek Violation per the Adopted Rules for the Flathead Conservation District to implement the *Natural Streambed and Land Preservation Act* (MCA Title 75, Chapter 7)

My comments are submitted for the record of the Hearing for Declaratory Ruling scheduled for August 25, 2023.

Preliminary History and a personal perspective.

My family moved to Apgar Village in 1960 to a lot about 400 feet from the Petitioners lot. For the past 63 years I have lived and worked in Apgar Village. At that time Apgar was a special place to grow up and with friends I explored the outdoor world of Apgar that we had the privilege to be part of. It was a community mix of Park Service families, “In-holders” like us and summer residents. Park visitation for 1960 was approximately 600,000 visitors. In recent years visitation has topped 3 million. I have watched the process of “continuous change” as decades passed, and I have described that in my own words here.

In the past 63 years in Glacier Park there have been floods, wildfires, social changes in addition to agency policy and regulation changes. The history of Apgar started prior to 1910 when the area became a National Park. Prior to 1910 there were original settlers because of the Homestead Act. When Glacier National Park was established as with other Parks, there was some private properties already there. One can look at the subdivisions around Lake McDonald and see Apgar, Upper Lake McDonald, Kelly Camp and others up the North Fork. There was everything from tourist accommodations to

mining claims, trappers and a few outlaws. This ownership mix has seen evolving changes in policies, laws and jurisdictions.

In the early 1960's I remember a sense of community between the "locals and Park Service. Some Park families still lived in Apgar and there were a dozen kids to play with. By the end of the 1960's into the 1970's the Park policy focus toward In-holders was "the purchase of private properties" and Park employees had moved to Park Headquarters. Some of us that grew up in Apgar or were Park families still live close by and submitted comments over this matter.

I remember the 1964 Flood very clearly. The Hungry Horse News put out an honorary edition about the 1964 flood last spring and I have included a picture. In 1964 I watched Lower McDonald Creek flow backwards into Lake McDonald taking out huge sections of the riverbank on the side that the Ambler house now sits. A rental cabin floated down to the new Camas Bridge where Park blasted it apart. *(Exhibit MJ 1-1)*

Part of Mrs. Powell's white house was hanging over where the riverbank had washed away, and other pictures are in Park Archives. The old wood bridge that connected Apgar to the Grist Road homes was gone and Lake McDonald filled up to just under the 2nd story of the Village Inn Motel. As I walk along the creek now, I still see trees falling on that side of the creek and an open cut area eroded close to the Camas bridge.

The 0.05 acres the Amblers own is likely all that is left of the private lot that had Mrs. Powell's house hanging off the bank in 1964.

The Petitioners seek a declaratory ruling on FCDs determination.

- 1) that the Petitioners property is jurisdictional and therefore a violation occurred.
- 2) that the structure be removed and that the Petitioners obtain a permit to do so.
- 3) that Petitioners were denied adequate time to gather, analyze and present relevant information and scientific data.

1. The Petitioners (Ambler's) property on lower McDonald Creek is under the jurisdiction of the State of Montana via the Flathead Conservation District which oversees "310" stream law permits. See DNRC and FCD websites.

See State of Montana Attorney General's opinion – FCD file

My Comments: Private In-holder properties in Apgar and around Lake McDonald in Glacier Park are guided by the Flathead County Growth Policy which is a non-regulatory document compliant with Montana State Law. The jurisdiction of McDonald Creek is not a county matter. It is under the jurisdiction of the State of Montana, Department of Natural Resources and Conservation, Flathead Conservation District.

Google will pull up "310" Law in a few seconds.

(Flathead County Growth Policy, State Law)

The history of jurisdiction over private land in Glacier National Park has a long and colorful history starting with the Homestead Act of 1862 which sent people to stake their claims. Then Glacier National Park was created in 1910. The Fire of 1929 substantially burned-out Apgar Village and the Park sent its first Agent to purchase lands from those owners to *"try and purchase all Lake front property. He wasn't too successful."*

(Horace Chadbourne, Kelly Camp 1925 – "The History of Apgar")

So by the earliest days of Glacier Park there already was a conflict of interest between private property owners and Washington Directors in their role under the "Organic Act" that governs the purpose of National Parks.

A World War II concept of imminent domain jurisdiction by the Federal Government was still used to obtain part of Grist property for the new Camas Road in the early 1960's. By the 1970's the Park policy of getting private property was funded by Congress for the purchase of "lifetime leases" and purchase from a willing seller. A Park In-holder Association was formed that worked on behalf of in-holders for private property rights in National Parks which evolved into private property rights and jurisdiction issues on all public lands.

The Duncan property at the head of Lake McDonald and the McFarland property up the North Fork are just two examples of past Park and in-holder relations issues over management practices and jurisdiction.

The Duncan family was denied access through Park lands to their private property. The retired Glacier Park Chief Ranger who "posted the sign" is now my neighbor and remembers that situation. The McFarland access to private property issue with the Park is a history of changes in policy, practice and understanding from 1976 to 2007 with Court cases. This progression of history defines current policies that come from Department of Interior to Regional Directors and Park Superintendents.

November 2006 was the year when a "meteorological pineapple express" affected Glacier Park and again the water was very high at the Apgar end of Lake McDonald and in lower McDonald Creek. The Bridge at upper McDonald Creek above Lake McDonald was damaged and according to GNP Supt Mick Holm the Park policy at the time was "to wait for State permits before repairing the bridge". (*Exhibit MJ 1-2 emphasis added MJ*) That was State jurisdiction and then at some point in 2007 that policy was changed according to a recent personal conversation I had with a Biologist at Montana Fish Wildlife & Parks (FWP). The policy that changed was that the State ceded jurisdiction of what is known as the 124 permits (issued to government entities by the State of Montana) to the Park inside the Park. It did not cede the jurisdiction of 310 permits (issued to private entities by the State of Montana) inside the Park in this change. This policy change lets the Park skip the 124 Permit process. (and use "categorical exclusion") That occurred either during or after Superintendent Holm's bridge issue. That policy or memorandum should be available from Glacier Park or FWP. News articles indicate the Park was dealing with both the bridge repairs and re-building of Going To The Sun Road. (GTSR)

After Kelly Camp was mostly burned out in 2018 and the Park used "categorical exclusion" as the way to install phone and electrical line in the road to that area without an ES and now some early park buildings there were listed as "historic". In 2022 the concept of Park jurisdiction over access to private property was different from past times

and the Park changed its bridge project on upper McDonald creek using "categorical exclusion" after in-holder concerns were expressed regarding access to the private properties at the head of Lake McDonald along with Park needs for "Administrative and wildfire protection". The concerns and desires were varied in the public comments that are on record at Park.

As all private landowners in Montana have certain "rights of private property and the responsibilities that come with that", it was up to the Amblers to be responsible for what was required regarding their building project on private property on lower McDonald Creek. Public records indicate they were told by Glacier Park to follow "County and State regulations". They did not. An unsigned email from a County Planner that showed lack of professional knowledge regarding who had jurisdiction in Apgar for a streambank project and a State 310 permit is not "due diligence". Glacier Park management has made clear at recent in-holder meetings and press releases that "Park doesn't have jurisdiction over private property". Regarding Kelly Camp building projects after the 2018 wildfire the Park made it clear that "building projects follow "County, State and Federal rules and for Kelly Camp residents "County Septic regulations". Hungry Horse News 1-9-2019. **(Exhibit MJ 1-3 emphasis added MJ)**

The Daily Interlake article 10-1-2021 "Private home in Glacier National Park for sale at \$12M" has quotes by the In-holder who is respectful in her building plan **(Exhibit MJ 1-4-page 2 emphasis added MJ)** and from the a "park spokesperson" that new building must comply with "state and local building guidelines, planning and approvals." **(Exhibit MJ 1-4-page 3 emphasis added MJ)**

Contact Gina Kerzman Public Relations Officer – Glacier National Park

There have been frequent news articles and messaging from Glacier Park Management that has said In-holders should check out jurisdictions and regulations for new building projects. If County doesn't have jurisdiction, then the State of Montana does and the DNRC, DEQ and Department of Labor and Industry can be easily contacted.

2. The Ambler building on lower McDonald creek is in violation of the State "310 law as they did not get the 310 permit before starting their project. My testimony above clearly suggests that the Park does not believe it has jurisdiction over streambed and land preservation activities on properties owned by private citizens within Glacier Park boundaries and that the State of Montana does have jurisdiction. Thus, it is clear that a 310 permit is also required to remove it. Mitigation is not an option.

My Comments: As the requirements of the "310" permit was never followed in the first place, what is already built is questionable and concerning as far any building codes and certainly site plan. The distance of the building to McDonald Creek is concerning and residents regularly checked this spring even as it was a light run off year. In 2022 there was flooding in Flathead County and in Glacier Park with the Quarter Circle Bridge on McDonald creek closed due to flooding. The level of water at the Ambler building location would have been substantially higher than 2023 and they had an opportunity to research the river level in their years of ownership.

The Adopted Rules for the Flathead Conservation District have been an excellent guide to address the many concerns I have regarding the Ambler building project on lower McDonald Creek. *(Mary McClelland has covered Rules very well in her comments)*

As the typical standards and process for a building project on a stream bank was not followed, neither the public nor State Inspectors/Supervisors know what was built on a very sensitive stream location in a National Park. I see pictures of a cement slab, big rocks that are meant to hold the bank in place for building, electrical wires hanging out, two drainpipes that allow water flow from somewhere on building site into McDonald creek, and a roof that indicates to me that the Apgar snow load will slide into the creek and on bank. All these facts, concerns and more would have been addressed had the 310 permit rules been followed.

Part of what is holding the bank from eroding that is in front of the Ambler building are the past remains of beaver harvested trees. There is a long-established beaver house

just downstream from Camas bridge and beavers have traveled for years up and down McDonald creek as well as into Lake McDonald to harvest food along the shore by the Park dock in Apgar. The beaver house goes through periods of use and then high water damages the house enough to send beavers somewhere else. I don't know the status of beaver house currently. The Park and residents may know more. One can make an estimate of the level of lower McDonald creek by when the beaver house is covered with water and low areas to the west of creek are flooded.

3. Since Mrs. Powell's house was destroyed in the 1964 flood no one has built a structure on the lot the Petitioners purchased in 2019. They had ample time to research the lot and to investigate County and State regulations including a 310 permit before and after their purchase of it in 2019.

The Petitioners have stated their connection to Kelly Camp so they would be aware Glacier Park requirements for "county and state regulations" and that jurisdiction does not belong to Glacier Park as already noted. I tend to think that "in-holders will certainly talk and share information" just like any group of friends, neighbors and relatives.

In years past I attended Park/In-holder meetings about the In-holder septic systems that leaked into Lake McDonald and non-compliance issues. In 2023 someone at the Park allowed the Petitioners to connect to Park Sewer system in Apgar. I don't know who made that decision as that is not a typical past practice kind of decision by the Park. It was still likely within the Park's management jurisdiction. However, just because the Park allowed the Petitioners to connect to the Park septic in Apgar that did not relieve them of getting the required state 310 permit and the reality that permit should be denied.

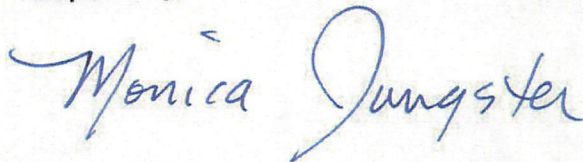
In 1964 a major flood occurred in Glacier National Park and there have been lesser floods since. 1967 was the first major Park wildfire I experienced until the Roberts Fire in 2003 when all the Lake McDonald area could have burned. It didn't that time and unfortunately, Kelly Camp did burn in 2018.

This is the world that Park In-holders have the privilege to live, choose to and are responsible for the decisions we make when we are here.

My 63 years has led me to conclude:

- 1) The Flathead Conservation District has jurisdiction to administer the Streambed and Land Preservation Act.
- 2) That had the 310 permit been applied for by the Petitioners it would have been denied.
- 3) That the Petitioners had adequate time to research Jurisdiction, apply for a 310 permit and provide adequate supporting information.

Respectfully,



Monica Jungster

The water just rose and rose

Hungry Horse News
June 22, 2022

By WILLIAM SPENCE

Note: The following story was done for the 50th anniversary of the flood. There are minor edits and additions have been made.

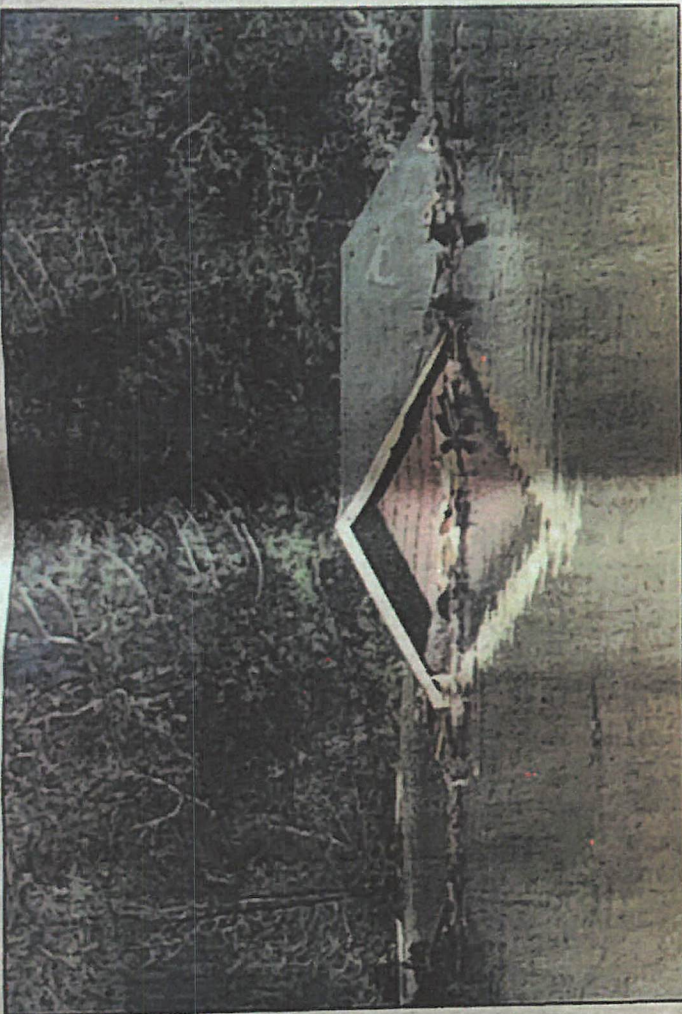
Fifty-eight years ago the waters rose and rose until they became the greatest flood in Flathead County's recorded history.

When torrential rains poured on top of a heavy mountain snowpack on June 8-9 of 1964, it caused, by some measures, one of the most powerful flash floods in the United States.

Water poured down both sides of the Continental Divide, tearing out roads and rail lines and ripping away bridges. Three dams failed. No other was over-topped. At least 100 people died and more than 2,000 homes and buildings were damaged or destroyed in seven counties and a dozen communities in Montana.

Nothing remotely like it had happened before, ever since white settlements first moved into the Flathead in the mid-1800s.

As of May 1, gauges across



Damage in Apgar — The Mercantile cabin floating down McDonald Creek, 1964 flood. J. Mohlenrich, photographer. (NPS archives)

Northwest Montana were registering snow depths as much as 75 percent above average.

Four days later, after storms dumped up to 13 inches of snow across the western half of the state,

it was already the second-snowiest May on record, with more snow in the forecast. At least two new record lows were set during the month, and it wasn't until just before Memorial Day weekend that the high tempera-

tures broke 70 degrees. On May 7, National Weather Service climatologist Richard Dightman issued the following prediction: "We aren't in trouble until we get a sudden warming and the pack melts all at once. However, we don't look for that to happen rarely does snowmelt by itself flooding. But if we get rain on it ... then we're in trouble."

The warning received little attention.

IT STARTED RAINING in the afternoon, June 7.

It wasn't too bad down in the valley — a half-inch or so over the airport.

But in the mountains it was worse: Essex got 11 inches in 36 hours, Marias Pass on the Continental Divide got 15.5 inches by Monday night.

Climatologists later determined that three storm systems had collided over the Northern Rockies. Storms from the east and north

Exhibit

MS 1-1

Hungry Horse News



National Park Service

GlacierNational Park
Montana

West Side Flooding Repairs Update

[Subscribe \(https://www.nps.gov/feeds/getNewsRSS.htm?id=glac\)](https://www.nps.gov/feeds/getNewsRSS.htm?id=glac) [\(https://www.nps.gov/feeds/getNewsRSS.htm?id=glac\)](https://www.nps.gov/feeds/getNewsRSS.htm?id=glac) | [What is RSS](#)**Date:** March 2, 2007**Contact:** Amy Vanderbilt, 406-888-5838

WEST GLACIER, MONT. – Sandry Construction of Bigfork / Kalispell and its subcontractor, Crux Subsurface of Spokane, WA, is completing storm damage repairs to the second of three winter work locations on or near Glacier National Park's Going-to-the-Sun (Sun) Road, Park Superintendent Mick Holm reports.

"Bridge and road damage was sustained during the flooding of Upper McDonald Creek during the November 7-8, 2006, "Pineapple Express" storm. The access road and the bridge across Upper McDonald Creek at the head of Lake McDonald remain closed to all use until the work site is cleared of potential hazards, which is expected by March 9, 2007. At that time non-motorized winter access (cross country skiing and snowshoeing) will resume across the bridge and along the road to Kelly Camp," said Holm. The bridge repairs could not begin until all required permits were signed and received from the State of Montana. Permits were received in mid-February and work began that day. Work has involved bridge stabilization through the boring and installation of micro-piles to replace damaged pilings and restoration of rip-rap at each abutment.

Sun Road repairs are completed at Red Rock Point. Repairs are still being negotiated at the third location (milepost 19.25 from West Glacier,) approximately three miles past Avalanche Creek. When work begins at milepost 19.25, plowing of one lane of the Going-to-the-Sun Road will again occur. Nevertheless, one lane will remain snow-covered for cross country skiing and snowshoeing. Sandry Construction works Mondays through Fridays during daylight hours. For safety reasons, pedestrian access will be prohibited in the plowed lane during work hours. When work is not occurring, hikers and bicyclists can travel on the plowed lane. Signs will indicate when closures are in effect and caution should be exercised.

"The plowing of one lane was necessary to allow access to the Sun Road work sites and to stock pile materials for the repairs. Skiers and snowshoers are welcome to utilize the snow-covered lane but are asked to continue to abide by work zone restrictions," stated Holm. He added, "West side winter motorized vehicle access is unaffected by the road work to the west side. Vehicles can travel 11.5 miles on the Sun Road from West Glacier to Lake McDonald Lodge."

*Exhibits**MS 1-2*

Last updated: February 24, 2015

Exhibit C**Page 23 of 28**

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On a sunny day in December the North Lake McDonald Road is quiet. Chickadees flit in the trees that weren't burned to a crisp by last summer's Howe Ridge Fire in Glacier National Park.

Five months after the 14,500-acre blaze, the foot of Glacier's iconic Mount Stanton is littered with black and downed trees. The fire burned hot here, right down to the foot of Lake McDonald.

It also burned most of the structures in Kelly's Camp, an enclave of private summer cabins at the end of the road that date back as far as the early 1900s. Three cabins survived the fire. The rest did not.

Shortly after the fire, many residents, who have long family ties to the land, indicated they would rebuild.

But there promises to be several challenges along the way.

Water was collected from a nearby creek and a small hydroelectric system provided electricity. Both were damaged by the fire. The creek itself was also razed — it's now exposed to the elements with no shade to keep the water cool.

In addition, a small bridge that goes over the creek, and provides access to the Kelly's Camp properties was also damaged by the fire. The bridge is passable by foot, but will likely have to be replaced at some point. The wooden planks show obvious signs of charring.

Homeowners will also have to meet Flathead County sewer regulations before they can rebuild. They also need a permit from Glacier Park.

Under county regulations, the existing septic system can only be used again if it previously had a valid permit.

If it doesn't, it will have to meet the modern regulations, which provide for setbacks from neighboring properties and specific regulations designed to protect the groundwater and water bodies, in this case, Lake McDonald.

The groundwater in some places near Kelly's camp bubbles up to the surface.

Under Glacier's regulations, "No person shall construct, rebuild or alter any water supply or sewage disposal system without a written permit issued by the superintendent. The Superintendent will issue such permit only after receipt of written notification from the appropriate federal, state, or county officer that the plans for such system comply with state or county standards. There shall be no charge for such permits."

Additionally, under Park regulations, people cannot live in a structure that doesn't have a working and approved septic and water system.

"No person shall occupy any building or structure intended for human habitation, or use, unless such building is served by water supply and sewage disposal systems that comply with the standards prescribed by state and county laws and regulations applicable in the county within whose exterior boundaries such building is located," the regulations state.

The regulations also allow for the Park to inspect septic systems from time to time, "in order to determine whether such system complies with the state and county standards: Provided, however, That inspection shall be made only upon consent of the occupant of the premises or pursuant to a warrant."

Park spokeswoman Lauren Alley said the Park could be open to extending utilities like electrical power to Kelly's Camp. She also said that some landowners do have water rights. Right now, however, things are in the preliminary stages, she noted.

"Moving forward, the Park would likely work with interested landowners to do any necessary compliance and issue a special use permit to allow for water collection based on an existing water right - if that was the route a landowner wanted to pursue," she said.

The Park Service is still working on an investigation into the fire. Some homeowners were critical of the Park Service after the blaze and openly wondered why it wasn't put out sooner.

Park Superintendent Jeff Mow at the time said the Park asked for a helicopter the night it started, but the Park was told one wasn't available. The region saw several fires the night Howe Ridge started, all of them by a lightning storm that passed through.

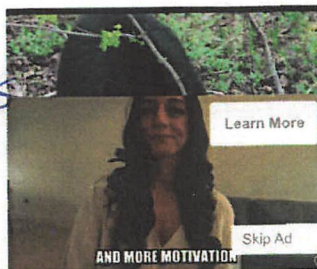
The next day, Howe Ridge blossomed and then turned into a firestorm by evening, burning down to the shores of Lake McDonald.

Human losses aside, there are silver linings from the blaze.

The views from the flanks of Mount Stanton were opened up by the fire. The post fire landscape in Glacier usually comes with a host of wildflowers that bloom for several success years after a blaze.

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Private home in Glacier National Park for sale at \$12M

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This house just west of Lake McDonald in Glacier National Park is up for sale with an asking price of \$12 million. (Glacier Sotheby's International Realty)

By **CHAD SOKOL & MACKENZIE REISS**

Daily Inter Lake | October 1, 2021 12:00 AM

One of the few remaining private properties within the bounds of Glacier National Park is up for sale with an asking price of \$12 million.

The Glacier Bear Retreat, a pair of recently built houses on nearly an acre of land just west of Lake McDonald, is currently used for ultra-high-end vacation rentals, with rates starting at \$11,000 per week during the peak summer months.

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"The biggest amenity is it's almost an acre, privately surrounded by the park on all four sides, with Fish Creek and Apgar Creek flowing through and converging on the property," said Gail Lynne Goodwin, an entrepreneur and developer who purchased the property in 2013.

Goodwin said the property at 348 Grist Road was once owned by Milo Apgar, the early settler who lent his name to the nearby Apgar Village. Apgar sold it to a park ranger named Dwight Grist, who built a home there and passed it on to his children.

Originally about 7 acres, the property shrank when the park used eminent domain to make room for construction of the Camas Road in the 1960s, Goodwin said.

"I bought it from Mr. Grist's son, who at the time was living between Paris and Dubai and was in his 70s," she said.

THE HOUSE that Grist built was in disrepair and occupied by small critters after sitting abandoned for more than four decades, Goodwin said. By the time she learned about it, the property had been listed for sale for a year with no offers.

"That blew me away," she said. "So I put it under contract that day, because I realized location is what makes this property so valuable — not the house that seemed to be falling apart."

Goodwin — who also owns the luxurious Snow Bear Chalets on Whitefish's Big Mountain — declined to say what she paid for the Grist property in 2013. But according to luxury real estate website Mansion Global, the listing price was just \$369,000.

Within about a year, the old one-story Grist house was replaced with a three-floor, 3,200-square-foot house with four bedrooms and three and a half bathrooms. Goodwin said she had a basement dug to add space without expanding the building's footprint.

"We did everything we could to try to just save and restore the old home, but it was just too far gone," she said. "So we tore down the house and built a new foundation on the existing footprint and built at the same location, so we didn't have to tear down trees or do anything like that. We could be as respectful as possible."

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A 500-square-foot guest house featuring two more bedrooms and another bathroom was added last summer.

OPPORTUNITIES TO buy property within a national park are exceedingly rare, even for those who can afford it.

Scott Darkenwald, a broker with Glacier Sotheby's International Realty, said the last time a property comparable to Goodwin's was sold within Glacier National Park was 32 years ago.

"You're buying this property, but along with it, you get over a million acres that you don't have to buy — and it's Glacier Park. To me, that makes it incredibly unique," Darkenwald said. "It really is like a jewel inside of this incredible park."

When the park was established in 1910, its boundaries trapped more than 13,000 acres of land previously claimed by homesteaders. Now, according to Goodwin, there are only about 125 privately owned tracts scattered throughout the park, encompassing fewer than 300 acres.

The Department of the Interior buys up those parcels, known as inholdings, for conservation when it can. But, as Goodwin put it, "They don't have the money."

The National Park Service doesn't place any restrictions on the Grist property. It's subject to the same building and zoning requirements as any other home in Flathead County. B

"The owner of this privately held real estate, while within a national park legislative boundary, can bequeath or sell their property," a park spokesperson said in an email. "Additionally, any new planned development on this parcel must comply with state and local building guidelines, planning and approvals." C

LOCATION MAY be everything, but Goodwin hasn't skimped on amenities.

The ground floor of the main house has a master bedroom with a reading nook, as well as a decked-out kitchen adjacent to a screened-in porch with a barbecue grill. The finished basement has a media room and a pool table, and the second story has a play area for kids. There's also a serene outdoor seating area, and a garage perfect for storing bikes and kayaks.

The property even has fast Wi-Fi.

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The main house also has a secret "meditation area" in the top of a round turret, the ceiling of which is painted like the night sky and adorned with constellations of twinkling fiber-optic lights. The space is accessible only through a bookcase — filled with original copies of "Nancy Drew" and "Hardy Boys" mystery books — that becomes a door with the click of a remote control and opens into a hidden staircase.

"It's a pretty special spot," Goodwin said. "Most guests that stay there, we do not give access to that room. They don't even know it's there."

While the property is a short walk from Apgar Village, Darkenwald said one would hardly notice the busy tourist hub beyond the thickets of trees separating the sites. He noted the property also is fairly close to the airport in Kalispell, and said it could attract a buyer from outside the U.S.

"When you say that something is a one-of-a-kind property — everybody says that, but this one really is," Darkenwald said. "It really is an opportunity for someone to buy a legacy property to hand down to future generations."

It's also a lucrative way to generate rental income, as Goodwin has done since her family no longer stays at the property very often.

"We love being up there. It's just, we're grandparents, and our kids and our grandkids are in the two coastal areas — not here — and we find that we just don't use it enough. And that's why we're selling it," Goodwin said. "It's a very, very hard decision because a piece of my heart will always live in that home, in that space."

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